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PTO/SB/64 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
P114027

First named inventor: Mr. Harold Spanski

Application No.: 10/034,315

Art Unit: 3611

Filed: December 28, 2001

Examiner: Kevin Hurley

Title: POWER-ASSIST SYSTEM AND METHOD FOR BICYCLES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of response to a final rejection (identify type of reply):

- ☒ has been filed previously on June 3, 2004.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/26/2004 AWONDAF1 00000034 10034315

01 FC:2453

685.00 OP

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Robert B. Hughes
Signature

Nov 19, 04
Date

Robert B. Hughes
Typed or printed name

19,304
Registration Number, if applicable

4164 Meridian Street, Suite 302
Address

(360) 647-1296
Telephone Number

Bellingham, WA 98226-5583
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

11/19/04
Date

Carole Petralli
Signature

Carole Petralli
Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harold Spanski
Serial No. 10/034,315
Filed: December 28, 2001
For: POWER-ASSIST SYSTEM
AND METHOD FOR
BICYCLES

Art Unit: 3611
Examiner: Kevin Hurley
Cust. No. 22931
Attorney
Ref. No.: P114027

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

November 19, 2004
Date

Carole Petralli

**SUPPLEMENTAL INFORMATION
FOR PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
WHICH IS PRINTED ON PTO/SB/64 (09-04)**

Sir:

This supplemental information document is presented as an attachment to form PTO/SB/64 (09-04) entitled PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b). As indicated on that form the check for \$685.00 for the petition fee is enclosed. It is believed that no other fee is due at this time to have the application reinstated to pending status, but if any such fee is due, please charge this to Deposit Account No. 08-3260.

This supplement is to provide documentation that the abandonment of the application was unintentional. The facts are as follows.

a) On December 4, 2003, an office action was mailed on the patent application noted above. In that office action, the following information is pertinent. On the first page of the office action, there is the following language under the title "Disposition Of Claims":

4. "i. Claims 1,6,7,9 and 13-26 are pending in the application;
- ii. 4a) of the above claims 13-20 are withdrawn from consideration;
- iii. 5. Claims 1,6,7,9,21-23 and 26 are allowed;
- iv. Claim 24 is rejected."

b) A response was filed on April 5, 2004 and one of the paragraphs of that response is as follows:

"IN THE CLAIMS"

"Please cancel claims 13-20 and claim 24."

Then in the remarks the following comments were made:

"REMARKS"

"Claims 13-20 are withdrawn from consideration and in this response is being canceled. Claim 24 is rejected on the basis of prior art and in this response is being canceled.

Accordingly it is believed that the only claims remaining in the application are those which have been allowed and the application should be in condition for allowance."

However, the applicant's attorney neglected to make a full presentation of all of the claims which were still in the application, and also listing the status of the claims which have been cancelled. The applicant's attorney had neglected to recognize that not only is this required when the claims are being amended, but even if the only changes made is that certain claims are cancelled.

c) On May 6, 2004 there was an advisory action from the Patent and Trademark Office stating that the reply filed April 8, 2004 fails to place the application in condition for allowance. On the second page it was indicated that the reason was that the proposed amendment was not in compliance since it is required that a complete listing of all of the claims with the status of each indicated in a parenthetical expression and including the text of each pending claim was not contained in the response.

d) Accordingly, on June 3, 2004 a response was filed with the required one month extension fee, and in that response there was a complete listing of all of the claims that are pending in the application with the parenthetical words giving the status of the claims. Claims 10-12 were indicated as "Previously Cancelled". Claims 13-20 which had been previously withdrawn from consideration in the further prosecution of the application were noted as "Previously Withdrawn".

Then in the remarks of that response filed June 3, 2004, in the section under "REMARKS" there is the following language:

"A response was filed on this last on this last April 5, 2004, with a request for an extension of time, (April 4, 2004 being a

Sunday), and the last office action mailed May 6, 2004 has indicated that the reply failed to place the application in condition for allowance since there was not a complete listing of all of the claims with status of each indicated in a parenthetical expression and including the text of each application. It is believed that the present amendment is in conformity with the requirement, yet it is submitted the application is now in condition for allowance."

e) The applicant's attorney, the undersigned, received an advisory action mailed July 12, 2004 indicating that the proposed amendment was not entered because the proposed amendment failed to cancel claims 13-20 which are pending and withdrawn from consideration.

f) Then eight days later, on July 20, 2004, a notice of abandonment was mailed indicating that the proposed reply that was received on June 3, 2004 does not constitute a proper reply.

For the convenience of the office, the documents mentioned in this supplement are attached. It is abundantly clear that the applicant's attorney, the undersigned, had no intention of abandoning the application and had intended to place the application in proper form to be allowed. It was simply a clerical error that the term "Previously Withdrawn" appears with claims 13-20 rather than the term "Canceled".

There is enclosed with this supplement a proposed amendment which corrects the error contained in the response filed June 4, 2004. It is respectfully submitted that clearly the abandonment of the application was

unintentional. Accordingly, it is requested that the application be reinstated to pending status and that the enclosed response be accepted as a placing the application in condition for allowance. If there is any manner which yet needs attention, and a consultation with the undersigned would be of help, such would be welcome. The applicant's attorney can normally be reached at the phone number noted below.

Signed at Bellingham, County of Whatcom, State of Washington this
November 19, 2004.

Respectfully submitted,
HAROLD SPANSKI,

By 
Robert B. Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
Fax (360) 671-2489



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United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,315	12/28/2001	Harold Spanski	P114027	8915

7590

12/04/2003

Robert B. Hughes
Hughes Law Firm, PLLC
Suite 201
2801 Meridian St.
Bellingham, WA 98225



EXAMINER

HURLEY, KEVIN

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

26781 2/4/2004 1 mo warning - FINAL ACTION
26782 2/19/2004 2 wk warning-FINAL ACTION
26783 3/4/2004 Resp Due to FINAL ACTION

DEC 10 2003

HUGHES LAW FIRM, PLLC

Office Action Summary

Application No.

10/034,315

Applicant(s)

SPANSKI, HAROLD

Examiner

Kevin Hurley

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,9 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,7,9,21-23,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Turner.

Turner discloses a pedal and motor assisted power system in a bicycle, the system comprising:

a pedal section comprising:

first and second pedal members 34;

a crank shaft 42 connecting the pedal members;

a crank housing 48 in which the crank shaft is located;

a sprocket section 30 having a chain and sprocket drive connection to the drive wheel 16;

a motor section 28;

a speed reducing gear section 74 connecting to said motor section and having a gear section drive output 82;

a power assist drive section comprising a power assist drive member 92 having a power assist drive connection between the gear section drive output and the sprocket section and being concentrically mounted around the crank shaft;

said system being characterized in that there is a first overrunning drive connection 102 that is operatively connected between the sprocket section and the pedal section, so that said pedal section is able to remain stationary while the sprocket section is rotating, and there is a second overrunning drive connection 104 operatively positioned at said power assist drive section, so that the sprocket section can be rotated by power from the pedal section independently of said speed reducing gear section or with power provided from said speed reducing gear section;

whereby the bicycle is able to operate in the four recited operating modes, see col. 9 lines 5-14;

Allowable Subject Matter

4. Claims 1, 6-7, 9, 21-23, 25-26 allowed.

Response to Arguments

5. Applicant's arguments filed 24 October 2003 have been fully considered but they are not persuasive. Regarding claim 24, applicant has argued that Turner does not show the first over

Art Unit: 3611

running drive connection as being connected between the sprocket section and the pedal section, and the second over running drive connection operatively positioned at the power assist drive section. The examiner disagrees and Turner, in Fig. 3., clearly shows this arrangement.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Hurley whose telephone number is 703-308-0233. The examiner can normally be reached on Monday-Friday 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/034,315

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Art Unit: 3611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Kevin Hurley
Primary Examiner
Art Unit 3611



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harold Spanski
Serial No. 10/034,315
Filed: December 28, 2001
For: POWER-ASSIST SYSTEM
AND METHOD FOR
BICYCLES

) Art Unit: 3611
) Examiner: Kevin Hurley
) Cust. No. 22931
) Attorney
) Ref. No.: P114027


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Alexandra, VA 22313-1450

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April 5, 2004
Date


Carole Petralli

RESPONSE

Sir,

This is in response to the Office Action mailed this last December 4, 2003. A response was due this March 4, 2004. A one month extension of time is hereby requested to make the present response due on April 5, 2004 (April 4, 2004 being a Sunday). A check in the amount of \$55.00 is enclosed in payment of the extension fee. It is believed that no other fee is due at this time to maintain the application in full force and effect. However, if any such fee is due, please charge this to Deposit Account No. 08-3260.

Please amend the above identified application as follows:

IN THE CLAIMS

Please cancel claims 13 – 20 and claim 24.

REMARKS

Claims 1, 6, 7, 9, and 21 - 26 are pending in the application.

Claims 13 – 20 are withdrawn from consideration and in this response is being cancelled. Claim 24 is rejected on the basis of prior art and in this response is being cancelled.

Accordingly, it is believed that the only claims remaining in the application are those which have been allowed, and the application should be in condition for allowance. If there is any other matter which yet needs attention, and consultation with the applicants attorney, the undersigned, would be of help, such would be welcome. The applicant's attorney can normally be reached at the phone number noted below.

Signed at Bellingham, County of Whatcom, State of Washington this April 05, 2004.

Respectfully submitted,
HAROLD SPANSKI,

By  _____

Robert B. Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
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4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,315	12/28/2001	Harold Spanski	P114027	8915

22931 7590 05/06/2004

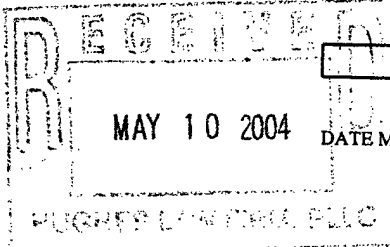
HUGHES LAW FIRM, PLLC
PACIFIC MERIDIAN PLAZA, SUITE 302
4164 MERIDIAN STREET
BELLINGHAM, WA 98226-5583

EXAMINER

HURLEY, KEVIN

ART UNIT PAPER NUMBER

3611



DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

6/4/04 Rep. 27496

5/21/04 2wks. 26783

Advisory Action

Application No.

10/034,315

Applicant(s)

SPANSKI, HAROLD

Examiner

Kevin Hurley

Art Unit

3611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

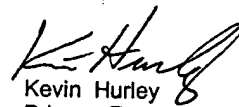
Claim(s) allowed: 1,6,7,9,21-23,25 and 26.

Claim(s) objected to: _____.

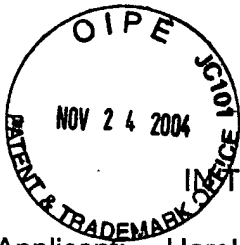
Claim(s) rejected: 24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet *


Kevin Hurley
Primary Examiner
Art Unit: 3611

Continuation of 10. Other: The proposed amendment is not in compliance with 37CFR 1.121 which requires a complete listing of all claims with the status of each indicated in a parenthetical expression and including the text of each pending claim. See MPEP 714.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

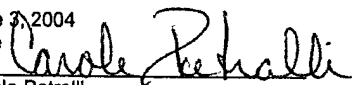
Applicant:	Harold Spanski)	Art Unit:	3611
Serial No.	10/034,315	)	Examiner:	Kevin Hurley
Filed:	December 28, 2001	)	Cust. No.	22931
For:	POWER-ASSIST SYSTEM)	Attorney	
	AND METHOD FOR)	Ref. No.:	P114027
	BICYCLES			

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June 7, 2004
Date


Carole Petralli

RESPONSE

Sir:

This is in response to the Office Action mailed this last May 6, 2004. It was indicated this last Office Action that the time for responding would be measured from the date of the final action, which was December 4, 2003. A one month extension of time was previously requested to make the response due on April 4, 2004. On the assumption that there is a need for a further extension of time to make the response due on June 4, 2004 please charge this to Deposit Account No. 08-3260.

Please amend the claims as follows:

In the Claims:

Claim 1 (previously amended):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a crank shaft connecting the pedal members;
 - iii. a crank housing in which the crank shaft is located;
- b) a sprocket section having a chain-and-sprocket drive connection to said drive wheel;
- c) a motor section;
- d) a speed-reducing gear section connecting to said motor section and having a gear section drive output;
- e) a power assist drive section comprising a power assist drive member concentrically mounted around said crank shaft and having a power-assist drive connection between the gear section drive output and the sprocket section;
- f) said system being characterized in that the sprocket section has a first pedal overrunning drive connection with said pedal section and the power-assist drive connection has a second overrunning drive connection;
whereby said bicycle is able to operate in four operating modes, namely:
 - i. a power-assist mode where a bicycle rider is pedaling to supply power, and the power-assist section is providing power;
 - ii. a pedal-only mode where power is being supplied solely by pedaling the bicycle;
 - iii. the power-assist-only mode where the bicycle rider is not providing power by pedaling, but power is supplied by the power output section;

- iv. a coasting no-power mode where the bicycle is traveling with the pedal section stationary, and no power is being supplied by either the pedal section or the power-assist drive section, and
- g) said power-assist drive member having a fixed drive connection to the sprocket section and the power-assist-overrunning drive connection is between the power-assist drive member and the gear section drive output.

Claim 2 (previously cancelled)

Claim 3 (previously cancelled)

Claim 4 (previously cancelled)

Claim 5 (previously cancelled)

Claim 6 (previously amended):

The system as recited in claim 22, wherein the second end portion of the power-assist drive member has a fixed power connection to the drive sprocket, and the first end portion of the power-assist drive member connects with the gear section drive output through said power-assist overrunning drive connection.

Claim 7 (original):

The system as recited in claim 6, wherein said power-assist drive member is rotatably mounted on bearings that have an operative load-bearing relationship with said crank housing, and said crank shaft is at least in part supported by bearings in load-bearing relationship with said power-assist drive member so that said power-assist drive member and said crank shaft are rotatable relative to one another.

Claim 8 (previously cancelled)

Claim 9 (previously amended):

The system as recited in claim 23, wherein said motor is located proximate to an upper rear portion of said frame, and said speed-reducing gear section is located closely adjacent to said crank housing, so that a first distance of the motor to the speed-reducing gear section is substantially greater than a distance from the speed-reducing gear section to the crank housing,

Claim 10 (previously cancelled)

Claim 11 (previously cancelled)

Claim 12 (previously cancelled)

Claim 13 (previously withdrawn)

Claim 14 (previously withdrawn)

Claim 15 (previously withdrawn)

Claim 16 (previously withdrawn)

Claim 17 (previously withdrawn)

Claim 18 (previously withdrawn)

Claim 19 (previously withdrawn)

Claim 20 (previously withdrawn)

Claim 21 (previously presented – formerly claim 4):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends and first and second sides, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a crank shaft connecting the pedal members;
 - iii. a crank housing in which the crank shaft is located;
 - b) a sprocket section having a chain-and-sprocket drive connection to said drive wheel;
 - c) a motor section;
 - d) a speed-reducing gear section connecting to said motor section and having a gear section drive output;
 - e) a power assist drive section comprising a power assist drive member concentrically mounted around said crank shaft and having a power-assist drive connection between the gear section drive output and the sprocket section;
 - f) said system being characterized in that the sprocket section has a first pedal overrunning drive connection with said pedal section and the power-assist drive connection has a second over-running drive connection;
- whereby said bicycle is able to operate in four operating modes, namely:
- i. a power-assist mode where a bicycle rider is pedaling to supply power, and the power-assist section is providing power;
 - ii. a pedal-only mode where power is being supplied solely by pedaling the bicycle;
 - iii. the power-assist-only mode where the bicycle rider is not providing power by pedaling, but power is supplied by the power output section;

- iv. a coasting no-power mode where the bicycle is traveling with the pedal section stationary, and no power is being supplied by either the pedal section or the power-assist drive section, and
- g) said sprocket section and said first pedal member being nearer to a second side of the frame, and said power-assist drive member having a second end portion that connects to said sprocket drive, and a first end portion that is nearer to a first side of the frame, said first end portion connecting through the power-assist overrunning drive connection to the gear section drive output.

Claim 22 (previously presented – formerly claim 5):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a crank shaft connecting the pedal members;
 - iii. a crank housing in which the crank shaft is located;
- b) a sprocket section having a chain-and-sprocket drive connection to said drive wheel;
- c) a motor section;
- d) a speed-reducing gear section connecting to said motor section and having a gear section drive output;
- e) a power assist drive section comprising a power assist drive member concentrically mounted around said crank shaft and having a power-assist drive connection between the gear section drive output and the sprocket section;
- f) said system being characterized in that the sprocket section has a first pedal overrunning drive connection with said pedal section and the power-assist drive connection has a second overrunning drive connection; whereby said bicycle is able to operate in four operating modes, namely:

- i. a power-assist mode where a bicycle rider is pedaling to supply power, and the power-assist section is providing power;
 - ii. a pedal-only mode where power is being supplied solely by pedaling the bicycle;
 - iii. the power-assist-only mode where the bicycle rider is not providing power by pedaling, but power is supplied by the power output section;
 - iv. a coasting no-power mode where the bicycle is traveling with the pedal section stationary, and no power is being supplied by either the pedal section or the power-assist drive section, and
- g) said power-assist drive member having a tubular configuration with first and second power-assist member portions on opposite sides of the bicycle, said power-assist drive member and said crank housing being positioned concentrically around a center axis of said crank shaft.

Claim 23 (previously presented – formerly claim 8):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a crank shaft connecting the pedal members;
 - iii. a crank housing in which the crank shaft is located;
- b) a sprocket section having a chain-and-sprocket drive connection to said drive wheel;
- c) a motor section;
- d) a speed-reducing gear section connecting to said motor section and having a gear section drive output;

- e) a power assist drive section comprising a power assist drive member having a power-assist drive connection between the gear section drive output and the sprocket section;
- f) said system being characterized in that the sprocket section has a first pedal overrunning drive connection with said pedal section and the power-assist drive connection has a second overrunning drive connection; whereby said bicycle is able to operate in four operating modes, namely:
 - i. a power-assist mode where a bicycle rider is pedaling to supply power, and the power-assist section is providing power;
 - ii. a pedal-only mode where power is being supplied solely by pedaling the bicycle;
 - iii. the power-assist-only mode where the bicycle rider is not providing power by pedaling, but power is supplied by the power output section; and
 - iv. a coasting no-power mode where the bicycle is traveling with the pedal section stationary, and no power is being supplied by either the pedal section or the power-assist drive section,
- g) said motor being a high-speed motor that is driven by petroleum-based fuel and operates at least 1000 RPM, said motor having a sheave-and-belt drive connection with said speed-reducing gear section, whereby tension forces exerted on the sheave-and-belt drive from the motor to the speed-reducing gear section are substantially less than forces imposed in the drive connection between the speed-reducing gear section and the power-assist drive member.

Claim 24 (previously cancelled):

Claim 25 (previously presented):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a crank shaft connecting the pedal members;
 - iii. a crank housing in which the crank shaft is located;
- b) a sprocket section having a chain-and-sprocket drive connection to said drive wheel;
- c) a speed-reducing gear section connecting to said motor section and having a gear section drive output;
- d) a power assist drive section comprising a power assist drive member concentrically mounted around said crank shaft and having a power-assist drive connection between the gear section drive output and the sprocket section;
- e) a high-speed motor that is driven by petroleum-based fuel and operates at least 1000 RPM, said motor having a sheave-and-belt drive connection with said speed-reducing gear section, whereby tension forces exerted on the sheave-and-belt drive from the motor to the speed-reducing gear section are substantially less than forces imposed in the drive connection between the speed-reducing gear section and the power-assist drive member.

Claim 26 (previously presented):

A pedal- and motor-assist power system for a bicycle which has, at least one drive wheel, and a bicycle frame with front and rear ends, said system comprising:

- a) a pedal section comprising:
 - i. first and second pedal members;
 - ii. a pedal drive housing which is mounted in the frame at a drive location, with said pedal members being mounted to said housing;
- b) a sprocket section at said drive location and having a drive connection to said drive wheel;

- c) a motor section mounted at a motor location of said bicycle that is spaced from said drive location;
- d) a speed-reducing gear section connecting to said motor section and having a gear section drive output, said speed reducing gear section being located at a speed reducing gear section location that is spaced from said drive location and motor location;
- e) a power assist drive section comprising a power assist drive member concentrically mounted around said crank shaft and having a power-assist drive connection between the gear section drive output and the sprocket section;
- f) said system being characterized in that the sprocket section has a first pedal overrunning drive connection with said pedal section and the power-assist drive connection has a second overrunning drive connection; whereby said bicycle is able to operate in four operating modes, namely:
 - i. a power-assist mode where a bicycle rider is pedaling to supply power, and the power-assist section is providing power;
 - ii. a pedal-only mode where power is being supplied solely by pedaling the bicycle;
 - iii. the power-assist-only mode where the bicycle rider is not providing power by pedaling, but power is supplied by the power output section; and
 - iv. a coasting no-power mode where the bicycle is traveling with the pedal section stationary, and no power is being supplied by either the pedal section or the power-assist drive section,
- g) said power-assist drive member having a fixed drive connection to the sprocket section and the power-assist-overrunning drive connection is between the power-assist drive member and the gear section drive output.

REMARKS

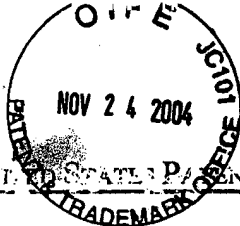
A response was filed on this last April 5, 2004, with a request for an extension of time, (April 4, 2004 being a Sunday), and in this last Office Action mailed May 6, 2004, it was indicated that the reply failed to place the application in condition for allowance since there was not a complete listing of all the claims with the status of each indicated in a parenthetical expression and including the text of each pending application. It is believed that the present amendment is in conformity with the requirement, and it is submitted that the application is now in condition for allowance.

If there is yet any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this June 3, 2004.

Respectfully submitted,
HAROLD SPANSKI,

By 
Robert B. Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,315	12/28/2001	Harold Spanski	P114027	8915
22931	7590	07/12/2004	EXAMINER	
HUGHES LAW FIRM, PLLC PACIFIC MERIDIAN PLAZA, SUITE 302 4164 MERIDIAN STREET BELLINGHAM, WA 98226-5583			HURLEY, KEVIN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

27969 07/21/2004 2 wks.warning (Final O.A.)
27970 08/04/2004 Response due (Final O.A.)
We are already in a 2-month extension from 6/4/2004

JUL 14 2004

Advisory Action	Application No. 10/034,315	Applicant(s) SPANSKI, HAROLD	
	Examiner Kevin Hurley	Art Unit 3611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

JUL 14 2004

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,6,7,9,21-23,25 and 26.

Claim(s) objected to: _____.

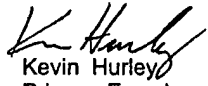
Claim(s) rejected: 24.

Claim(s) withdrawn from consideration: 13-20.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☒ Other: See Continuation Sheet


 Kevin Hurley
 Primary Examiner
 Art Unit: 3611

Continuation of 10. Other: the proposed amendment fails to cancel claims 13-20, which are pending and withdrawn from consideration..



3611
ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Harold Spanski	)	Art Unit:	3611
Serial No.	10/034,315	)	Examiner:	Kevin Hurley
Filed:	December 28, 2001	)	Cust. No.	22931
For:	POWER-ASSIST SYSTEM)	Attorney	
	AND METHOD FOR)	Ref. No.:	P114027
	BICYCLES			

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June 7, 2004

Date

Carole Petrali

RESPONSE

Sir:

This is in response to the Office Action mailed this last May 6, 2004. It was indicated this last Office Action that the time for responding would be measured from the date of the final action, which was December 4, 2003. A one month extension of time was previously requested to make the response due on April 4, 2004. On the assumption that there is a need for a further extension of time to make the response due on June 4, 2004 please charge this to Deposit Account No. 08-3260.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,315

12/28/2001

Harold Spanski

P114027

8915

22931

7590

07/20/2004

HUGHES LAW FIRM, PLLC
PACIFIC MERIDIAN PLAZA, SUITE 302
4164 MERIDIAN STREET
BELLINGHAM, WA 98226-5583



EXAMINER

HURLEY, KEVIN

ART UNIT

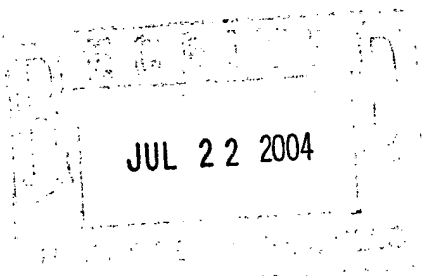
PAPER NUMBER

3611

DATE MAILED: 07/20/2004

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SCANNED
IN FILE



Notice of Abandonment

Application No.

10/034,315

Examiner

Kevin Hurley

Applicant(s)

SPANSKI, HAROLD

Art Unit

3611


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 December 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 3 June 2004, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Kevin Hurley
Primary Examiner
Art Unit: 3611

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.